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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 RUEBEN ROBERTS,

11 Petitioner,

No. CIV S-04-2232 MCE PAN P

12 vs.

13 TOM L. CAREY,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. See
17 28 U.S.C. § 2254.

18 On March 16, 2006, the court directed petitioner to file and serve an opposition or
19 notice of non-opposition to respondent's motion to dismiss. Petitioner has responded with a
20 document styled, "Motion for Phone Conference to Respond to Opposition."

21 In cases where the petitioner is a prisoner without counsel, motions are resolved
22 on the papers. Local Rule 78-230(m).

23 Accordingly, IT IS HEREBY ORDERED THAT:

- 24 1. The March 16, 2006, order to show cause is vacated;
25 2. Petitioner's April 21, 2006, motion is denied;

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1 3. Petitioner has twenty days from the date of this order either to file an
2 opposition to respondent's motion to dismiss or a notice of non-opposition. Failure to file an
3 opposition may result in a finding petitioner has waived opposition. See Local Rule 78-230(m).
4 DATED: May 30, 2006.

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7 UNITED STATES MAGISTRATE JUDGE

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